

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Algene Royce Gould,
Petitioner,

vs.

Charles Ryan, et al.,
Respondents.

No. CV-15-08124-PCT-PGR (MHB)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Burns, filed August 12, 2016, notwithstanding that no objection to the Report and Recommendation has been filed, the Court finds that the Magistrate Judge correctly concluded that the petitioner's Petition for a Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, should be denied. Therefore,

IT IS ORDERED the Report and Recommendation (Doc. 21) is accepted and adopted by the Court.

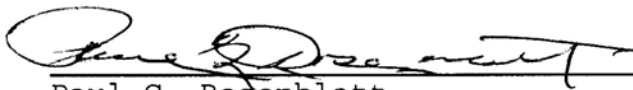
IT IS FURTHER ORDERED that the Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that this action is dismissed with prejudice.

IT IS FURTHER ORDERED that a certificate of appealability shall not be

1 issued and leave to appeal *in forma pauperis* is denied because the petitioner has
2 not made a substantial showing of the denial of a constitutional right and because
3 the dismissal of the petition is justified by a plain procedural bar and jurists of reason
4 would not find the procedural ruling debatable.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
6 accordingly.

7 DATED this 24th day of January, 2017.

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10 Paul G. Rosenblatt
11 United States District Judge
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